

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 5/23/08
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: WORLD TRADE CENTER LOWER
MANHATTAN DISASTER SITE LITIGATION

x 21 MC 102 (AKH)

**STIPULATION AND ORDER
OF DISMISSAL**

: This order relates to:
: 07 CV 4485 (AKH)
: 07 CV 4477 (AKH)
: 06 CV 14623 (AKH)
:

x

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys for record for the parties to the above-entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above-entitled action be, and the same hereby is discontinued without prejudice as against defendants, ERP OPERATING LIMITED PARTNERSHIP AND EQUITY RESIDENTIAL PROPERTIES MANAGEMENT CORP. s/h/a EQUITY RESIDENTIAL AND ERP OPERATING UNLIMITED PARTNERSHIP only, without costs to either party as against the other.

IT IS FURTHER STIPULATED AND AGREED, that should evidence be discovered throughout the course of the litigation which determines that ERP OPERATING LIMITED PARTNERSHIP AND EQUITY RESIDENTIAL PROPERTIES MANAGEMENT CORP. s/h/a EQUITY RESIDENTIAL AND ERP OPERATING UNLIMITED PARTNERSHIP is/are a proper party to this suit, plaintiff may reinstitute the action without regards to the applicable statute of limitations,

assuming said original action was timely commenced, and in such instance these defendants shall not assert the statute of limitations as a defense.

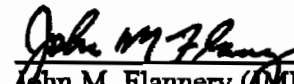
This stipulation may be filed without further notice with the Clerk of the Court.

Dated: White Plains, New York
May 22, 2008


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SO ORDERED: 5/22/08


HON. ALVIN K. HELLERSTEIN